

THIRTY-THIRD CONGRESS.

SECOND SESSION.

MONDAY, DECEMBER 4, 1854.

IN SENATE.

The Second Session of the Thirty-third Congress commenced this day, conformably to the Constitution of the United States, and both Houses assembled in their respective chambers at the Capitol at twelve o'clock M.

In the Senate there were present thirty-seven members, viz:

Maine—Hamlin, Hamilton.
Massachusetts—Julius Rockwell, Charles Sumner.
Rhode Island—Philip Allen, Charles P. James.
Connecticut—Francis Gillette, Isaac Toucey.
Vermont—Solomon Foot.
New York—Hamilton Fish, William H. Seward.
Pennsylvania—Richd. B. Hildreth, James Cooper.
Delaware—Jas. A. Bayard.
Virginia—R. M. T. Hunter, James M. Mason.
South Carolina—Andrew P. Butler, Josiah J. Evans.
Georgia—William C. Dawson.
Kentucky—John B. Thompson.
Tennessee—J. C. Jones.
Ohio—Solomon P. Chase, Benjamin Wade.
Indiana—John S. Caldwell.
Illinois—Jesse D. Bright, John Pettit.
Mississippi—Stephen Adams, Albert G. Brown.
Alabama—James Shields.
Louisiana—Clement C. Clay, Benjamin Fitzpatrick.
Florida—Henry S. Geyer.
Michigan—Lewis Cass, Chas. E. Stuart.
Iowa—Augustus C. Dodge, Geo. W. Jones.
Wisconsin—Henry Dodge.
California—Jno. B. Weller.

The following letter from the Hon. David R. Atchison, of Missouri, was read by the Secretary:

DEAR SIR: It will not be in my power to reach Washington before the second or third week in December. You will please accept this letter to the Senate at its meeting, that they may proceed to the election of a presiding officer.

Your obedient servant, D. R. ATCHISON.

On motion by Mr. HUNTER, Resolved, That the Hon. Lewis Cass be chosen President pro tempore of the Senate for this day.

Case took the chair.

Mr. FOOT presented the credentials of the Hon. Lawrence Brainerd, elected by the Legislature of Vermont a Senator of the United States for the remainder of the unexpired term of the Hon. William Upham, deceased; which were read, and the oath prescribed by law having been administered, Mr. Brainerd took his seat.

On motion by Mr. BRODHEAD, ordered that the Secretary inform the House of Representatives that a quorum of the Senate has assembled, that the Hon. Lewis Cass has been chosen President of the Senate pro tempore for this day, and that the Senate is ready to proceed to business.

On motion by Mr. DODGE, of Iowa, ordered that a committee of three members be appointed by the Chair, jointly with the committee appointed by the House of Representatives, to wait on the President of the United States and inform him that a quorum of the two Houses have assembled and are ready to receive any communication he may be pleased to make.

Messrs. DODGE, of Iowa, Dawson, and Toucey were appointed on the part of the Senate.

NOTICE OF A BILL.

Mr. BRODHEAD gave notice of his intention to introduce a bill further to extend the provisions of the bounty land laws.

On motion by Mr. HAMILIN, ordered that the daily hour of meeting of the Senate be 10 o'clock M. until otherwise ordered.

Mr. BRODHEAD submitted the following resolution, giving notice that he would call it up as soon as the standing committees of the Senate should be appointed:

Resolved, That the Committee on Commerce be directed to inquire into the expediency of providing by law for the better security of lives and property on board of sea-going steam and other vessels.

Mr. PETTIT desired to place on the record a motion to reconsider the vote taken upon the last business day of the session upon the passage of the bill from the House of Representatives for the relief of Enoch S. Moore; and the motion was entered accordingly.

Mr. DODGE, of Iowa, from the committee appointed on the part of the Senate to wait on the President and inform him that a quorum of both Houses had assembled and were ready to receive any communication he might be pleased to make, reported that the committee had performed the duty assigned them, and that the President replied that he would immediately make a communication in writing.

In a few minutes the message was received from the President of the United States by Mr. Wessner, his Secretary.

On motion by Mr. HAMILIN, it was ordered that the usual number of the message and documents be printed, and that ten thousand of the message and accompanying documents, in addition to the usual number, be printed for the use of the Senate.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

The House was called to order by Mr. Speaker BAYL, the following members being present, viz:

Maine—Messrs. Macdonald, Mayall, Farley, Washburn, and Fuller.
New Hampshire—Messrs. Kittredge and Hubbard.
Vermont—Messrs. McMahon, Tracy, and Sabie.
Massachusetts—Messrs. Eliot, Crocker, Wallis, Appleton, Upham, Banks, Wentworth, De Witt, Dickinson, and Goodrich.
Rhode Island—Messrs. Davis and Thurston.
Connecticut—Messrs. Pratt, Ingersoll, Belcher, and Seymour.
New York—Messrs. Cumming, Walbridge, Tweed, Wheeler, Walker, Peck, Murray, Westbrook, Sage, Peckham, Simmons, Perkins, Rose, Chase, Matteson, Bennett, Jones, Morgan, Oliver, Taylor, Hastings, Carpenter, Fringle, Flieger, and Smith.
New Jersey—Messrs. Stratton, Skelton, Lill, Vail, and Pennington.
Pennsylvania—Messrs. Florence, Chandler, Robbins, Witte, Everhart, Bridges, Jones, Russell, Middlewirth, Wright, Groat, Gamble, Korte, Huester, McCulloch, Dawson, Hinkle, Hays, and Dick.
Delaware—Mr. Riddle.
Maryland—Messrs. Franklin, Shower, Vansant, May, Hamilton, and Sollers.
Virginia—Messrs. Bayly, Millson, Caskey, Goode, Do- cock, Smith, Faulkner, Letcher, Edmundson, and Mc- Nairy.
North Carolina—Messrs. Ruffin, Ashe, Rogers, Kerr, Puryear, and Cleggman.
South Carolina—Messrs. McQueen, Orr, and Boyce.
Georgia—Messrs. Colquitt, Bailey, Chastain, Hillyer, Reese, and Stephens.
Alabama—Messrs. Phillips, Harris, Smith, Houston, Cobb, and Dowdell.
Mississippi—Messrs. Barry, Singleton, Harris, and Barksdale.
Louisiana—Messrs. Dunbar, Hunt, and Perkins.
Florida—Messrs. Disney, Harrison, Campbell, Edgerton, Ellison, Harlan, Green, Taylor, Bishop, Olin, Lindsey, Johnson, Sapp, Ball, Shannon, Bliss, Wade, Giddings, and Stuart.
Kentucky—Messrs. Boyd, Grey, Chrisman, Hill, Eliot, Preston, Brockbridge, Cox, and Stanton.
Tennessee—Messrs. Taylor, Smith, Cullum, Ready, Jones, Zollicoffer, Etheridge, and Stanton.
Indiana—Messrs. Miller, English, Parker, Hendricks, Davis, Mace, Eddy, and Harlan.
Illinois—Messrs. Washburne, Wentworth, Knox, Richardson, Yates, Jas. C. Allen, Bissell, and Willis Allen.
Ohio—Messrs. Benton, Lamb, Lindley, Oliver, Phelps, and Caruthers.
Arkansas—Messrs. Greenwood and Warren.
Michigan—Messrs. Noble, Clark, and Stevens.
Florida—Mr. Maxwell.
Texas—Mr. Smyth.
Mr. Hunt.

Wisconsin—Messrs. Eastman and Macy.
California—Messrs. McDougall and Latham.
Minnesota—Mr. Rice, Delegate.
Oregon—Mr. Lane.
Washington—Mr. Lancaster.

One hundred and ninety-three members having answered to their names—

The SPEAKER announced that a quorum was present.

NEW MEMBERS.

CHARLES S. LEWIS, Representative elect from the 11th district of Virginia, in place of John E. Snodgrass, deceased; F. M. DAWSON, from the third district of Kentucky, in place of Presley Ewing, deceased; ISAAC TULLY, from the twelfth, and HENRY C. GOODWIN, from the twenty-second district of New York, in place of Gilbert Dean and Gerrit Smith, resigned, appeared, and were qualified by taking the oath to support the Constitution of the United States.

A motion of Mr. JONES, of Tennessee, the Clerk was directed to inform the Senate that a quorum of the House had appeared and answered to their names, and that the House was ready to proceed to business.

Mr. J. also moved that a committee of three be ap-

pointed by the Speaker to wait upon the President of the United States, in conjunction with a similar committee to be appointed by the Senate, and inform him that a quorum of the two Houses had met and were ready to receive any communication he might have to make.

The motion was agreed to; and Messrs. JONES, of Tennessee, BAYLY, of Virginia, and HAYEN, of New York, were appointed the committee on the part of the House.

SELECTION OF SEATS.

Mr. FLORENCE offered the following resolution:

Resolved, That the Clerk of this House, immediately after the passage of this resolution, place in a box the name of each member and delegate of the House of Representatives, written on a separate slip of paper; that he then proceed, in the presence of the House, to draw from said box, one at a time, the said slips of paper, and as each is drawn he shall announce the name of the member or delegate upon it, who shall choose his seat for the present session: Provided, That hereafter said drawing shall be conducted by the Speaker, and the House, and shall see that every seat continues vacant until it is selected under this order.

Mr. STANTON, of Tennessee, moved so to amend the resolution as to permit him to select a seat for his colleague, Mr. CHURCHMAN, who, in consequence of being indisposed, is not present.

The question was taken on the amendment of Mr. STANTON, and it was disagreed to.

Mr. STANTON then withdrew his amendment, when the resolution of Mr. FLORENCE was adopted.

The House proceeded to execute its order, which consumed much time.

Mr. STEPHENS, of Georgia, stated that he had never known permission to be given to draw by proxy for any member who was absent from the city. It had been usual, however, to allow members to draw for their colleagues who were detained at their lodgings in this city on account of indisposition; and he hoped that this usage would be adhered to.

The question was taken on the amendment of Mr. STEPHENS, and it was disagreed to.

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Senate proceeded forthwith to the choice of a President pro tempore.

Mr. SEWARD, before proceeding with the election, desired to have the views of Senators in regard to the effect of the appointment—whether it was to be an absolute appointment of a President pro tempore, and what the tenure of the office. His own opinion was that there could be no objection to the Senate electing a President pro tempore of the Senate, and that that person will hold his office until it shall again constitutionally become vacant; so that, in case of a vacancy occurring in the office of President of the United States, the person now to be chosen to fill the office of President of the Senate would succeed to that high trust, and become the Chief Executive Magistrate of the United States.

Mr. PETTIT. That is the way we understand it.

Mr. SEWARD. He is so understood.

Mr. BAYARD said he did not consider that there was any necessity for determining what the effect of the resolution to elect a presiding officer of the Senate would be with regard to suppositions which might occur hereafter. The proposition was simply to elect a presiding officer. It was probable that he might agree with the Senator from New York that there could not be two Presidents at one time; but there was no need of considering that. The officer was to be elected for the purpose of conducting the business of the Senate, and he would leave such questions to the future.

The resolution was then agreed to without a dissenting voice.

The Senate then proceeded to ballot. The whole number being given 35; of which number Mr. BAYARD received 24, Mr. CHASE 6, Mr. DAWSON 2, Mr. FOOT 2, Mr. BANNER 1.

Mr. BRIGHT, having been declared duly elected, was escorted to the Chair by Messrs. SHIELDS and JONES, of Ohio, when he presided over the Senate.

The result just announced devolved upon me important responsibilities, and, were it not for my intimate acquaintance and knowledge of those with whom I am to be associated in their discharge, I should hesitate about accepting. Nine years' service in this body, however, and particularly with that spirit of kindness and forbearance uniformly observed and practised by one member towards another, which, let me assure you, serves in no small degree to lessen the embarrassment I should otherwise feel in attempting to preside over your deliberations. In accepting this trust, Senators, permit me to say (that which I hope would have been taken for granted had I remained silent) that whatever ability I possess shall be employed in promoting the public interests by an impartial discharge of the duties belonging to the appointment you have just conferred.

Indubitably to the Constitution and the country, and a betrayal of that confidence you have so generously reposed in me. For this unsolicited manifestation of your friendship and regard I offer you my grateful acknowledgments.

On motion by Mr. SLIDELL, so much of the 35th rule of the Senate as relates to the appointment of the standing committees was suspended and the following resolution agreed to, viz:

Resolved, That the several standing committees existing at the adjournment of the Senate on the 7th of August last be appointed, with the exception of such vacancies as may have been caused by the fact of any member of said committees having ceased to be a member of the Senate, and that the President pro tempore be authorized to fill such vacancies.

Clerks having been asked for by the chairman of the following standing committees, they were severally authorized to appoint the same: The Committees of Claims, Pensions, Judiciary, Private Land Claims, Foreign Relations, Public Lands, Patent Office, Commerce, Finance, and Revolutionary Claims.

RESOLUTIONS AGREED TO.

On motion by Mr. FOOT.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of refunding to the Territory of Utah the expenses incurred by said Territory in suppressing Indian hostilities in the year 1853, and that said committee report by bill or otherwise.

On motion by Mr. LETCHER.

Resolved, That the committee raised by the resolution adopted by the House of Representatives on the 10th day of January last, to inquire into the expediency of refunding to the Territory of Utah the expenses incurred by said Territory in suppressing Indian hostilities in the year 1853, and that said committee report by bill or otherwise.

On motion by Mr. CHANDLER.

Resolved, That the committee on Public Lands be instructed to inquire into the expediency of refunding to the Territory of Utah the expenses incurred by said Territory in suppressing Indian hostilities in the year 1853, and that said committee report by bill or otherwise.

On motion by Mr. ENGLISH.

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of refunding to the Territory of Utah the expenses incurred by said Territory in suppressing Indian hostilities in the year 1853, and that said committee report by bill or otherwise.

On motion by Mr. SEWARD.

Resolved, That the select committee on the subject of the Pacific Railroad, appointed on the 1st day of December last, be continued during the present session, except where vacancies have occurred by the retirement of any member, and that the President of the Senate have power to fill such vacancies.

On motion by Mr. WELLES.

Resolved, That the President of the United States be requested, if not incompatible with the public interest, to communicate to the Senate copies of all instructions and correspondence between the different Departments of the Government and Major General Wool, commanding the Pacific division of the army, in regard to his operations on that coast.

On motion by Mr. SEWARD.

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